

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

Hospital Cases

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE CERTAIN HOSPITAL
PLAINTIFFS FOR FAILURE TO SUBMIT FACT SHEETS**

Defendants¹ hereby move to dismiss with prejudice the claims of additional Hospital Plaintiffs² that failed to submit fact sheets by the Court-ordered deadline of June 3, 2024. Plaintiffs that fail to submit a fact sheet may be dismissed with prejudice under Fed. R. Civ. P. 41 for failure to prosecute and for failure to comply with the Court's orders. Doc. 4985 at 1, 4-6; Doc. 5340 at 1; Doc. 5382 at 1. The Court originally ordered all Hospital Plaintiffs to submit fact sheets by January 26, 2024, warning that it would dismiss with prejudice the cases of any Hospital Plaintiffs that failed to comply. Doc. 5257 at 1. Thereafter, the Court dismissed with prejudice many Hospital Plaintiffs that failed to submit fact sheets or that failed to cure material deficiencies in their fact sheets. Doc. 5382.

¹ Defendants are Walmart Inc.; Walgreen Co. and Walgreen Eastern Co., Inc.; CVS Pharmacy, Inc.; The Kroger Co.; Advantage Logistics Midwest, Inc.; AmerisourceBergen Corporation (n/k/a Cencora, Inc.), AmerisourceBergen Drug Corporation; Bloodworth Wholesale Drugs, Inc.; Cardinal Health, Inc.; H. D. Smith, LLC f/k/a H. D. Smith Wholesale Drug Co.; McKesson Corporation; Allergan Finance, LLC, Allergan Limited, Allergan Sales, LLC, Allergan USA, Inc.; Johnson & Johnson, Janssen Pharmaceuticals, Inc.; Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Actavis Pharma, Inc., Actavis LLC, Watson Laboratories, Inc., and Anda, Inc.

² Pursuant to the Court's March 5, 2024 Order Regarding Hospital Fact Sheets, "for the purpose of this MDL, a 'Hospital Plaintiff' is a hospital *or non-hospital healthcare provider* whose complaint includes 'claims relating to unreimbursed and/or under-reimbursed care for patients with Opioid Use Disorder.'" Doc. 5340 at 1-2 (emphasis in original).

In its March 5, 2024 Order Regarding Hospital Fact Sheets, the Court provided that certain Hospital Plaintiffs listed in the Order “that may have previously been unaware of their obligation to complete a [fact sheet], but which meet the Court’s clarified definition [of a Hospital Plaintiff], shall have until Monday, June 3, 2024, to complete and submit a [fact sheet].” Doc. 5340 at 2. In an Addendum to that Order dated March 21, 2024, the Court added additional Hospital Plaintiffs to the group required to complete and submit fact sheets by June 3. Doc. 5369. Once again, the Court warned that “[f]ailure to timely meet this requirement will result in the case being dismissed.” Doc. 5340 at 2; Doc. 5369 at 1. The Hospital Plaintiffs listed below were among those required to submit a fact sheet by June 3, 2024. Having failed to submit fact sheets by that deadline, the Court should dismiss their claims with prejudice:

	Hospital Plaintiff	Case No.
1.	Big Bend Community Based Care, Inc.	1:18-op-45493
2.	Central Florida Behavioral Health Network, Inc	1:18-op-45493
3.	Central Florida Cares Health System, Inc.	1:18-op-45493
4.	Lutheran Services Florida, Inc.	1:18-op-45493
5.	Southeast Florida Behavioral Health Network, Inc.	1:18-op-45493
6.	Seattle Indian Health Bd	1:18-op-45745
7.	Baton Rouge Area Alcohol and Drug Center, Inc.	1:18-op-45757
8.	O’Brien House Treatment Center	1:18-op-45757
9.	Odyssey House Louisiana, Inc.	1:18-op-45757
10.	Plaquemines Community Care Centers Foundation, Inc.	1:18-op-45757
11.	STC Addiction Wellness Center, Inc.	1:18-op-45757
12.	Bellefonte Physician Services, Inc. (KY)	1:18-op-45819
13.	Bon Secours Health System, Inc. (KY)	1:18-op-45819
14.	Bon Secours Health System, Inc. (VA)	1:18-op-45820
15.	Bon Secours Health System, Inc. (SC)	1:18-op-45821
16.	St. Francis Physician Services, Inc.	1:18-op-45821
17.	Health Care & Rehab Services Southeastern Vermont, Inc.	1:20-op-45079
18.	Northeast Kingdom, Human Services, Inc.	1:20-op-45079
19.	The Counseling Service of Addison County, Inc.	1:20-op-45079
20.	Mobile County Emergency Medical Services System Rescue Squad, Inc.	1:18-op-45148
21.	Newman’s Medical Servs., Inc.	1:18-op-46020
22.	Edna House for Women, Inc	1:18-op-46209

23.	Treatment Works Inc. d/b/a Absolute House	1:18-op-46209
24.	K.I.S.S. Foundation Inc. d/b/a Lia House	1:18-op-46209
25.	Lantern	1:18-op-46209
26.	Primary Purpose Center Inc.	1:18-op-46209
27.	John T. Foundation d/b/a Jack Mulhall Center for Sober Living	1:18-op-46209

For all of these reasons, Defendants hereby move to dismiss with prejudice under Fed. R. Civ. P. 41 the cases brought by the above-named Hospital Plaintiffs.³

Dated: June 14, 2024

Respectfully submitted,

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³ Defendants are in the process of reviewing the fact sheets submitted by other Hospital Plaintiffs and will advise the Court if additional dismissals are warranted due to their failure to comply with the Court's directives.

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2024, I electronically filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system, which caused all parties or counsel of record to be served

Dated: June 14, 2024

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